

January 20, 2011

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



CHRISTOPHER M. MCDERMOTT

(CA SBN 2534

STEFANIE A. SCHIFF (CA SBN 26538

ALEXIS BORNHOFT (CA SBN 270200

PIE DUNCAN LLP

4375 Jutland Drive, Suite 200

P.O. Box 17933

San Diego, CA 92177-0933

Telephone: (858) 750-7600

Facsimile: (619) 590-1385

Signed: January 20, 2011

EDWARD D. JELLEN
U.S. Bankruptcy Judge

Attorneys for CITIMORTGAGE, INC.

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re

DOYLE D. HEATON AND MARY K.
HEATON,

Case No. 10-40297

Chapter 11

R.S. No. EXC-127

ORDER GRANTING MOTION FOR
RELIEF FROM AUTOMATIC STAY

DATE: January 7, 2011

TIME: 10:00 AM

CTRM: 215

Northern District of California - Oakland
Division
United States Bankruptcy Court
1300 Clay Street
Oakland, CA 94612

Debtor(s).

The above-captioned matter came on for hearing on January 7, 2011, at 10:00 AM, in Courtroom 215, upon the Motion of CitiMortgage, Inc. ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Doyle D. Heaton and Mary K. Heaton ("Debtors") commonly known as 8211 Mulberry Place, Dublin, California 94568 (the "Real Property"), which is legally described as follows:

SEE LEGAL DESCRIPTION AS EXHIBIT FOR PROPOSED
ORDER GRANTING MOTION FOR RELIEF FROM
AUTOMATIC STAY, DOCKET NUMBER 304.

1 Appearances as noted on the record.

2 Based on the arguments of counsel, and good cause appearing therefor,

3 IT IS HEREBY ORDERED:

4 1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the
5 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust,
6 and pursuant to applicable state law;

7 2. Movant is authorized to foreclose its security interest in the Real Property under
8 the terms of the Note and Deed of Trust, and pursuant to applicable state law;

9 3. The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

10 4. Post-petition attorney's fees and costs for the within motion may be added to the
11 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

12 5. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant
13 may proceed in State Court for unlawful detainer pursuant to applicable state law;

14 6. Movant may offer and provide Debtors with information re: a potential
15 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
16 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may
17 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal
18 liability is discharged in this bankruptcy case; and

19 7. This Order shall be binding and effective despite any conversion of this
20 bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

21
22 ** END OF ORDER **
23
24
25
26
27
28

COURT SERVICE LIST

1
2 Pite Duncan LLP
4375 Jutland Drive, Suite 200
3 P.O. Box 17933
San Diego, CA 92177-0933
4
5 Doyle D. Heaton
3480 Buskirk Avenue
Suite 260
6 Pleasant Hill, CA 94523
7
8 Mary K. Heaton
3480 Buskirk Avenue
Suite 260
9 Pleasant Hill, CA 94523
10
11 Maxim B. Litvak
Pachulski, Stang, Ziehl and Jones
150 California St. 15th Fl.
11 San Francisco, CA 94111-4500
Debtor Attorney
12
13 Robert J Nichols, Respondent
Matthew J Shier
14 Pinnacle Law Group
425 California Street FL 18
15 San Francisco, CA 94104
Counter-Claimant
16
17 Official Committee Of Unsecured Creditors
Sheppard Mullin Richter & Hampton LLP
Four Embarcadero Center
18 17th Floor
San Francisco, CA 94111
19 Creditor Committee
20
21 Michael H. Ahrens
Ori Katz
Robert Sahyan
22 Sheppard, Mullin, Richter and Hampton
4 Embarcadero Center 17th Fl.
San Francisco, CA 94111
23 Attorneys to the Creditor Committee
24
25 Heritage Bank
300 Main Street
Pleasanton, CA 94566
26
27 AICCO, Inc.
101 Hudson Street
Jersey City, NJ 07302

1 American Motorists
Insurance Company
2 c/o Jenkins Athens
2552 Stanwell Drive
3 Concord, CA 94520

4 Bank of Marin
504 Redwood Blvd.
5 Suite 100
Novato, CA 94947

6 CBIC
7 P.O. Box 9271
Seattle, WA 98109

8 Central Pacific Bank
9 1420 Rocky Ridge Drive
Suite 250
10 Roseville, CA 95661

11 City National Bank
10801 West Charleston Blvd. Suite 250
12 Las Vegas, NV 89135

13 CV Anthony II, LLC
2 Ranch Road
14 Novato, CA 94945

15 Donna Goldberg
8123 Brittany Drive
16 Dublin, CA 94568

17 Exchange Bank
545 Fourth Street
18 Santa Rosa, CA 95401

19 First Republic Bank
1400 Civic Drive
20 Walnut Creek, CA 94596

21 Foundation Bank
1110 N.E. 112th Ave.
22 Suite 200
Bellevue, WA 98004

23 Gonsalves and Santucci, Inc
24 5141 Commercial Circle
Concord, CA 94520

25 Home Street Bank
26 2000 Two Union Square
601 Union Street
27 Seattle, WA 98101

1 Jan Berkompas
2 1065 Gill Port Lane
3 Walnut Creek, CA 94598
4
5 John & Andrea Barella
6 431 Payran Street
7 Petaluma, CA 94953
8
9 Meadow Creek Group, LLC
10 1500 Willow Pass Court
11 Concord, CA 94520
12
13 Mechanics Bank
14 1333 N. California Blvd. Suite 600
15 Walnut Creek, CA 94596
16
17 Michael J. Goldfarb
18 Enterprises, LLC
19 600 University Street
20 Suite 2912
21 Seattle, WA 98101
22
23 Regal Bank
24 10655 N.E. 4th Street
25 Suite 800
26 Bellevue, WA 98004
27
28 Wells Fargo Bank
29 600 California Street
30 San Francisco, CA 94108
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100